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DATE: June 17, 2004

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TO: Examiner K. E. Peterson

FAX NO.: 1-703-872 9302

FROM: COLLARD & ROE, P.C.

RE: U.S. SER. NO. 09/674,205  
Group: 3724  
Applicants: R. Mayr et al

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MESSAGE:

Dear Sir:

Enclosed please find a Response to the Office action of March 22, 2004. Please confirm receipt.

Respectfully submitted,

Kurt Kelman

KK:im

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: R. MAYR ET AL EXAMINER: K. E. PETERSON  
SERIAL NO.: 09/674,205 GROUP: 3724  
FILED: OCTOBER 27, 2000  
FOR: MILL SAW

RESPONSE

Mail Stop Amendment  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

This is in response to the Office letter of March 22, 2004, wherein the Examiner withdrew the previous final rejection in view of applicants' appeal brief and cited two new secondary references.

Rejection of claim 6 under 35 U.S.C. 103(a) as being unpatentable over Wallers, previously cited, in view of Gebhart and Murray, newly cited, is respectfully traversed.

The Wallers reference in comparison with the claimed invention was discussed thoroughly on pages 4-6 of the appeal brief and to avoid redundancy the Examiner's attention is respectfully directed to these comments, which are incorporated herein by reference. The Examiner has equated Wallers' control

-1-

disk 39 with applicants' stored computer control program and Wallers' shafts 9, 26 with the claimed signal transmitter. In this analysis, it is respectfully submitted that the Examiner overlooked that Wallers' control depends on the angle of rotation of slider crank drive 6. In contrast to this, the control of applicants' motor 10 intermittently driving feed conveyor 10 is independent of the angle of rotation of slider-crank drive 4. As shown in Fig. 4 and fully explained in the full paragraph on page 9 of the specification, the control sequence depends on the cutting stroke frequency. All that is required is a proper synchronization, which is assured by the claimed signal transmitter transmitting an electronic signal indicating a preset position of rotation of the slider-crank drive.

Taking into account the above explanation, it is respectfully submitted that a mere substitution of Wallers' mechanical control by an electronic control would not arrive at the claimed control (c) and (f) of claim 6. This could be accomplished only if the rotation of slider crank drive 6 of Wallers were divided into individual cutting steps and an element indicating the path of each step of the feeder conveyor were associated with each cutting step. This, however, is not suggested either by Wallers or by the secondary references. Therefore, applicants' invention cannot be derived from a

substitution of a mechanical control with an electronic control but the claimed control differs from it substantially even if it were directed to a mechanical control.

Gebhart's saw blade position sensor 67 is a switch which controls the advance of saw blade table or carriage 4 and serves to terminate the advance at the end of the work stroke (col. 8, lines 1-25). If it were obvious to modify Wallers by Gebhart's teaching, the inlet and outlet of edge 47 of recess 46 in control disk 39 would be sensed by a sensor to switch motor 15 on and off. However, switching the motor on and off in dependence on the position of rotation of a slide-crank drive is not the object of the claimed invention since it requires sensing of two positions of rotation of the slide-crank drive, one position controlling the switching on of the motor and the other position controlling its switching off. Thus, no combination of Gebhart with Wallers leads to the subject matter set forth at (e) and (f) of claim 6.


All that Murray suggests is a computer control for the feed rolls 18, 20, 21 and cut-off saw pivot arm 27. Nothing in the cited patents makes it obvious to use such a computer control program in Wallers and/or Gebhart, nor would it make sense to use such a program in the Wallers and Gebhart devices since their motors are switched on in one position of rotation

of the slide-crank drive and are switched off in another position of rotation. Thus, no combination of Gebhart and/or Murray with Wallers makes the subject matter of claim 6 obvious.

Upon allowance of generic claim 6, claims 7, 9 and 10 are believed to be allowable since they depend on claim 6. The allowance of claim 8 is gratefully noted.

A sincere effort having been made to overcome all grounds of rejection, favorable reconsideration and allowance of claim 6, with dependent claims 7, 9 and 10, are respectfully solicited.

Respectfully submitted,  
REINHOLD MAYR ET AL

  
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I hereby certify that this correspondence is being sent by telefax to the US PTO, Fax No.: 703-872-9302, on June 17, 2004.

  
Ingrid Mitendorf

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